

A. STATE-AT-A-GLANCE

1)	Program Operation	State-operated
2)	Number of Local Offices (excluding Agencies under Cooperative Agreements)	7 circuit offices and 1 satellite office
3)	Type of Agencies with Cooperative Agreements	Unified judicial system and IV-D prosecutors
4)	Uniform Interstate Family Support Act	Yes, except that South Dakota did not adopt section 501 of the uniform act. South Dakota employers will not honor direct withholding orders from another state
5)	Agreements With Tribal Entities	Up to age 18
6)	Age of Majority for Termination of Support	18; 19 if child attending secondary school
7)	Statutes of Limitation:	
	• Collection of Past Due Support	6 years if not reduced to judgment and 20 years if reduced to judgment
	• Paternity Establishment	None
	• Dormancy Revival/Renewal Possible [yes/no]	No
8)	Guidelines	Income shares
9)	Interest Rates on	
	• Missed Payments	1% per month, however, South Dakota does not collect interest
	• Retroactive Support	1% per month, however, South Dakota does not collect interest
	• Adjudicated Arrearage	1% per month, however, South Dakota does not collect interest
10)	Arrearage Collections for Non- minor Child(ren)	Yes, through execution of judgments and income withholding
11)	Distribution Scheme	
	• AFDC Arrears	First to current support (if multiple cases, proportionately among the cases), then determined by the current class of the case (AFDC or Non-AFDC)
	• Non-AFDC Arrears	See above

12)	Procedures Regarding Medical Support Using Income Withholding	No
13)	New Hire Reporting	No
14)	Recovery of Costs Elected Under State Plan	No
15)	Recovery of Costs for Initiating State	Genetic testing costs
16)	Long-Arm Statute/s Citation/s	SDCL 15-7-2B
17)	Automated Locate Resources	AFDC and Food Stamps, Energy Assistance, Driver's License, Vehicle registration, Big Game License, Sportsman's License, Job Service, Employment Wages, Unemployment Benefits, National Guard and Prison Inmate Lists, Unified Judicial System (courts) and Vital Statistics
18)	Enforcement Options	
	• State Income Tax Refund Intercept	No
	• License Revocation/ Suspension	Yes
	• Administrative Liens	Yes
	• Property Seizure & Sale	Yes
	• State Funds/Benefits (please specify)	Unemployment benefits, Worker's Compensation
	• Other (please specify)	Bank accounts, lien against estate and settlements, and lottery offset
19)	Spousal Maintenance Orders <i>(specify yes or no)</i>	
	• Establish	No
	• Enforce	Yes, when there is also a child support obligation
	• Modify	No
20)	Current Spouse/Partner Information Required	No

B. UNIFORM INTERSTATE FAMILY SUPPORT ACT

1)	State Code Citation	SDCL 25-9B
2)	Effective Date	July 1, 1994
3)	Adopted Verbatim? If no, list differences.	No. Did not adopt section 501 of the model act (direct withholding), other minor technical matters
4)	Repeal URESA?	Yes
5)	Repeal IWW?	No

C. INCOME WITHHOLDING

1)	Income Withholding Terminology	Order for Withholding of Income (OWI)
2)	Income Withholding Procedures	
	• State Withholding Limits	50% of net income
	• Fee Charged by Employers	No
	• Date to Remit	Within 5 days after the date the obligor is paid
	• Penalty	Petty offense. The payer is responsible for any amount that is not withheld or forwarded
3)	Definition of Employer	Payer of income. See "Included Income" below for definition of income as applicable to payer of income
4)	Included Income	Wages, salary, commissions, bonuses, compensation, disability, annuity and retirement benefits, gifts or inheritances, all gain derived by capital or labor, profit gained from sale or conversion of capital assets, personal property, money and credits on deposit with or in possession of any person or entity
5)	Excluded Income	Exempt funds such as AFDC, SSI, and VA disability
6)	Direct Income Withholding for Unemployment Compensation, include address	No
7)	Direct Income for Workers' Compensation, include address	No
8)	Direct Income Withholding,	N/A

	other income sources subject to, include address	
9)	Direct Income Withholding, list Other Income Sources NOT subject to	N/A
10)	Federal Withholding (See Federal Pay Agents Section)	IV-D Directors need not answer this question.
11)	Procedures for Contesting Income Withholding	Yes
12)	Arrearages through Income Withholding	Yes
13)	Enforcing Against Non-Resident Obligor Asset/Income	Yes
14)	Exception to Immediate Withholding	Yes
15)	Multiple Obligations Withholding Priorities	
	<ul style="list-style-type: none"> Policy 	The monthly support obligation will be paid first, arrears after that. If court ordered arrears payments, distribution will be accordingly; otherwise, arrears payments will be applied to any South Dakota arrears first, then to another state's arrears
	<ul style="list-style-type: none"> Priority 	See above
	<ul style="list-style-type: none"> Assistance 	IV-D agency
	<ul style="list-style-type: none"> Allocation 	See above

D. PATERNITY

1)	Interstate Paternity Procedures	OCSE will attempt to stipulate with alleged father and will proceed with genetic testing, if paternity contested. UIFSA will be filed only if necessary
	Consent Orders Obtained	Yes
2)	Uniform Parentage Act	No
3)	Uniform Act on Blood Testing	No
4)	Parentage Order Available Without Order for Support	Yes
5)	Custody/Visitation Addressed Subject to Tribunal's Jurisdiction	No

6)	Genetic Test Results as Presumption of Paternity	Yes
	Threshold	Yes - 99% or greater
7)	Paternity Acknowledgment as Presumption of Paternity (Rebuttable/Conclusive)	Yes
8)	Marriage as Presumption of Paternity	Yes
9)	Putative Father's Name on Birth Certificate, Effect of	None
10)	Other Statutory Presumptions	None
11)	Recognition of Common Law Marriage	No
12)	Personal Appearance of Witness or Custodial Parent Required	No, unless matter proceeds to trial
	Acceptable Methods of Testimony	Written testimony, deposition testimony, personal testimony, and other testimony allowed under provision 316 of UIFSA
13)	Long-Arm Statute	Yes
14)	Assistance to Other States Using Their Long-Arm Statutes	No
	• Service of Process	
	• Genetic Testing	
15)	Recovery of Genetic Testing Costs for Other States	Yes

E. SUPPORT ORDER ESTABLISHMENT

1)	Interstate Procedures	Same as local cases - Absent Parent is served with a Notice of Support Debt and court order obtained utilizing income shares
2)	Income Considered for Setting Support	All sources of income, including disability
3)	Criteria for Rebuttal	Support is based upon proportionate share of both parent's combined net incomes. It is presumed that each parent is capable of earning minimum wage, except in cases of physical or mental disability
4)	Support Order for Prior Periods	Yes, limited to 6 years

F. ENFORCEMENT

(Note: If multiple orders, see Part “G”)

I. ENFORCING YOUR OWN ORDER

1)	Enforcement for Non-Resident Family	Yes, however, application for IV-D services in resident state preferable
2)	Administrative Procedures and Remedies Available	Yes
3)	Judicial Procedures and Remedies Available with Registration	Yes

II. ENFORCING OTHER STATES' ORDERS

4)	Administrative Procedures and Remedies Available Without Registration	Yes. SD will not register foreign order unless specifically requested
5)	Judicial/Administrative Remedies with Registration	Yes
6)	UIFSA/URESA Registration and Enforcement Procedure	Orders can be registered under UIFSA for either enforcement, or modification and enforcement
7)	Judicial Procedures Required after Registration	None, except that court must be petitioned for modification of order
8)	Uniform Enforcement of Foreign Judgments Act Citation	SDCL 15-16A

G. MODIFICATION/REVIEW & ADJUSTMENT OF ORDERS

1)	Jurisdiction Requirements	CEJ analysis per UIFSA
2)	Modification Procedures	If a SD order, either party may file a Petition for Modification of Child Support and send to: OCSE, Modifications Section, 700 Governors Drive, Pierre, SD 57501. The petition is forwarded to the Clerk of Courts in the county of the order. The circuit judge appoints a referee who schedules a hearing and recommends an order for support to the circuit court. If no objections, the court enters an order within 10 days. If there are objections, the court sets a hearing date and enters an order after the hearing
3)	Criteria for Modification	Change (up or down) of at least \$25 per month and 20% unless medical insurance needs to be added, in which case there is no dollar/percentage requirement

4)	Criteria for Change of Circumstances	For order entered after 7/1/89 a change of circumstances is required, but not defined
5)	Frequency With Which Reviews are Conducted	35 months
6)	Criteria for Review	Locate not necessary, at least one of the parties resides in SD in incoming request, order at least 35 months old
7)	Criteria for Adjustment	See Criteria for Modification

H. MULTIPLE ORDERS

ENFORCEMENT AND MODIFICATION

1)	Controlling Order	CEJ analysis and controlling order analysis per UIFSA, SDCL 25-9B-205, and 207
2)	Date of Controlling Order	Analysis per UIFSA
3)	If No Controlling Order	If immediate wage withholding possible, the currently recognized order will be enforced after order recognition analysis. Otherwise, SD will attempt to obtain CEJ with entry of a SD order after controlling order analysis
4)	Arrears Procedure	Arrears are not modifiable

I. Documentation Required to Initiate Requests

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each document	Certification required for each document *See below
Establishment of Paternity and Support	Completed, federally approved interstate forms including the petition, general testimony, financial statement, and paternity affidavit. Certificate and Order not necessary	3	B
Enforcement of Responding State's Order	Transmittal, copy of the order, an affidavit of arrears	1	A for the affidavit of arrears, and B for the transmittal. The SD order does not need to be certified
Modification of Responding States' Orders	Transmittal, petition, financial statement, copy of the order. SD will send other documents for completion as needed	1	B
Administrative Enforcement of Another States' Order	Transmittal, affidavit of arrears, certified copy of the order	1	B for the transmittal, A for the affidavit and C for the copy of the order
Registration for Enforcement of Another States' Order	Transmittal, affidavit of arrears, copy of the order. If modification is also requested, then the petition as well	1, 1 certified and 1 photocopy of the order	B for the transmittal, A for the affidavit, and C for the order
Collection of Arrearages in Multiple Orders	Transmittal, affidavit of arrears, copies of all orders	1	B for the transmittal, A for the affidavit, and C for the

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each document	Certification required for each document *See below
			orders
Uniform Enforcement of Foreign Judgments Act	SD would prefer registration of foreign orders/judgments under UIFSA		
Modification of Another State's Order	Transmittal, affidavit of arrears, petition, copy of the order	1 copy of the transmittal and affidavit, 3 copies of the petition, and 1 certified and 1 photo copy of the order	B for the transmittal and petition, A for the affidavit, and C for the order
Status Update on an Existing Interstate Case	Written request	1	N/A
Assistance/Discovery	Transmittal	1	B
Quick Locate	Transmittal, locate data sheet	1	B

**A= Notarization by Notary Public; B= Certification by signature of agency official;
C= Certification by signature of court official; D= Others (please specify);
E= Certification not required*

J. State Contact Chart

ASSISTANCE NEEDED	CONTACT Name, Title, Address, Phone, Fax, E-mail (include 800 if applicable)
State Information Agent	Department of Social Services
Central Registry	Pam Kendall 700 Governors Drive Pierre, SD 57501, (605) 773-3641
Interstate Policy Contact (if different)	Mark Close, Interstate Specialist 700 Governors Drive Pierre, SD 57501 (605) 773-3641, FAX (605) 773-6834
Contact for Information Regarding Your States Long Arm Statute and Process	Same
Contact for Information Regarding Collection and Distribution (State level)	Same
Contact to Obtain Payment Records	Local office caseworker
Contact to Obtain Copy of Order	Local office caseworker
Contact for States Using Their Long Arm Statutes or Continuing Exclusive Jurisdiction (no “case” in your State) for	Mark Close, Interstate Specialist
<ul style="list-style-type: none"> Service of Process (private process server? If so , list) 	N/A
<ul style="list-style-type: none"> Genetic Testing (e.g. assistance with interstate teleconferencing) 	N/A
New Hire Reporting Contact	N/A
Employer Assistance Contact	Mark Close, Interstate Specialist
Telephone Number for Automated Interstate Case <i>Status</i> Requests (if any)	N/A
Telephone Number for Automated Interstate Case <i>Payment</i> Requests (if any)	800-286-9145

Privatization Contact	N/A
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